

ESTTA Tracking number: **ESTTA394727**

Filing date: **02/23/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	eSnipe, Inc.
Granted to Date of previous extension	02/23/2011
Address	12819 SE 38th Street PMB 293 Bellevue, WA 98006 UNITED STATES
Attorney information	Aaron Silverstein Saunders & Silverstein LLP 14 Cedar Street, Suite 224 Amesbury, MA 01913 UNITED STATES trademarks@massiplaw.com, asilverstein@massiplaw.com Phone: 978-463-9130

Applicant Information

Application No	85046089	Publication date	10/26/2010
Opposition Filing Date	02/23/2011	Opposition Period Ends	02/23/2011
Applicant	I Am Karma, Inc. 8106 SANTA ROSA CT SARASOTA, FL 34243 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2010/03/22 First Use In Commerce: 2010/05/17


All goods and services in the class are opposed, namely: Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring doing positive acts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77325344	Application Date	11/08/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KARMA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: Computer services, namely, providing on-line non-downloadable software which evaluates and rates the reputation of participants in e-commerce and traditional transactions through the use of predefined criteria and user-generated input

Attachments	77325344#TMSN.jpeg (1 page)(bytes) 20110223151001 esnipe i am karma opp with exhibit final.pdf (9 pages)(456388 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/asilverstein/
Name	Aaron Silverstein
Date	02/23/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85046089
Filed: May 24, 2010
Mark: I AM KARMA
Published for Opposition: October 26, 2010

ESNIPE, INC.,

Opposer,

v.

I AM KARMA, INC.,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

eSnipe, Inc., a corporation duly organized and existing under the laws of the State of Washington, having a principal place of business at 12819 SE 38th Street PMB 293, Bellevue, Washington 98006 (“Opposer”), will be damaged by and hereby opposes the registration of the mark shown in Application Serial No. 85046089 (“Application”), filed in the U.S. Patent and Trademark Office by I Am Karma, Inc. (“Applicant”), on May 24, 2010, and which application was published for opposition in the *Official Gazette* on October 26, 2010.

The grounds for the opposition are as follows:

1. Applicant is owner of record of U.S. Application Serial No. 85046089, filed on May 24, 2010, for the designation I AM KARMA, which was published for opposition in connection with the following services:

“Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring doing positive acts” in Class 42.

2. Opposer is owner of U.S. Application Ser. No. 77325344 in Class 42. filed on November 8, 2007 (“Opposer’s Application”). *See* Exhibit A.

3. Opposer received a Notice of Allowance in connection with Opposer’s Application on June 16, 2009.

4. Applicant’s Application alleges that the designation I AM KARMA was first used in connection with the services set forth in the Application since as least as early as March 22, 2010, and was first used in interstate commerce as early as May 17, 2010.

5. The filing date of Opposer’s Application pre-dates both the filing date of the Application and the alleged dates of first use claimed in the Application.

6. Applicant’s I AM KARMA designation is likely to cause confusion with Opposer’s KARMA mark because such designation is confusingly similar to Opposer’s KARMA mark, the services set forth in the Application are similar or otherwise related to those set forth in Opposer’s Application, and the parties’ services are likely to be promoted through similar media, sold and offered through similar channels of commerce, and be directed to similar classes of purchasers.

7. Applicant’s I AM KARMA designation is likely to cause confusion or mistake or to deceive persons by creating the false impression that Applicant’s services originate with or come from the same source as Opposer’s services, or are endorsed by, sponsored by, or are otherwise connected or affiliated in some way with Opposer and Opposer’s KARMA mark.

8. Applicant’s use and registration of the I AM KARMA designation will dilute the distinctive quality of Opposer’s KARMA mark.

9. The registration of Applicant's I AM KARMA designation would be inconsistent with Opposer's rights in Opposer's KARMA mark.

10. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to use the I AM KARMA designation, which would be a further source of damage to Opposer.

11. For these reasons, the registration sought by Applicant would seriously lessen the value of Opposer's rights in Opposer's KARMA mark, to Opposer's great loss and detriment.

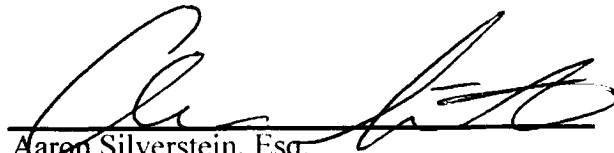
WHEREFORE, Opposer submits that it will be damaged by the registration of Application Serial No. 85046089, and prays that this Opposition be sustained and that Application Serial No. 85046089 be refused.

Respectfully submitted,

ESNIPE, INC.

By its attorneys,

Dated: February 23, 2011




Aaron Silverstein, Esq.
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Amesbury, MA 01913
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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2011, a true and complete copy of the foregoing Notice of Opposition, along with all exhibits thereto, was served on the Applicant, as set forth below, via first class mail, postage pre-paid to:

I Am Karma, Inc.
8106 Santa Rosa Ct.
Sarasota, FL 34243


Aaron Silverstein

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via ESTTA on date shown below to the United States Patent and Trademark Office.



Aaron Silverstein
Date: 2/23/2011

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-02-23 15:06:16 ET

Serial Number: 77325344 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

KARMA

(words only): KARMA

Standard Character claim: Yes

Current Status: A third request for extension of time to file a Statement of Use has been granted.

Date of Status: 2011-01-12

Filing Date: 2007-11-08

The Notice of Allowance Date is: 2009-06-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
COLEMAN CIMMERIAN

Current Location: 700 -Intent To Use Section

Date In Location: 2011-01-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. eSnipe, Inc.

Address:

eSnipe, Inc.
12819 SE 38th Street PMB 293
Bellevue, WA 98006
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Computer services, namely, providing on-line non-downloadable software which evaluates and rates the reputation of participants in e-commerce and traditional transactions through the use of predefined criteria and user-generated input

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-01-13 - Notice Of Approval Of Extension Request E-Mailed

2011-01-12 - Extension 3 granted

2010-12-13 - Extension 3 filed

2010-12-13 - TEAS Extension Received

2010-06-22 - Notice Of Approval Of Extension Request E-Mailed

2010-06-21 - Extension 2 granted

2010-06-10 - Extension 2 filed

2010-06-10 - TEAS Extension Received

2010-01-27 - Extension 1 granted

2009-12-15 - Extension 1 filed

2010-01-27 - Case Assigned To Intent To Use Paralegal

2009-12-23 - Automatic Update Of Assignment Of Ownership

2009-12-15 - TEAS Extension Received

2009-06-16 - NOA Mailed - SOU Required From Applicant

2009-03-24 - Published for opposition

2009-03-04 - Notice of publication

2009-02-14 - Law Office Publication Review Completed

2009-02-09 - Approved For Pub - Principal Register

2009-01-17 - LIE Checked Susp - To Atty For Action

2009-01-17 - Assigned To LIE

2008-08-01 - TEAS Change Of Correspondence Received

2008-07-17 - Notification Of Letter Of Suspension E-Mailed

2008-07-17 - LETTER OF SUSPENSION E-MAILED

2008-07-17 - Suspension Letter Written

2008-06-30 - Teas/Email Correspondence Entered

2008-06-30 - Communication received from applicant

2008-06-30 - TEAS Response to Office Action Received

2008-04-30 - TEAS Change Of Correspondence Received

2008-01-03 - Notification Of Non-Final Action E-Mailed

2008-01-03 - Non-final action e-mailed

2008-01-03 - Non-Final Action Written

2007-12-26 - Assigned To Examiner

2007-11-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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